

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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WESTERN PROGRESSIVE – NEVADA, INC., <div style="text-align: right;">Plaintiff(s),</div> <div style="text-align: center;">v.</div> C. SCOTT GARDNER, et al., <div style="text-align: right;">Defendant(s).</div>	Case No. 2:19-CV-1141 JCM (DJA) <div style="text-align: center;">ORDER</div>
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Presently before the court is plaintiff Western Progressive – Nevada, Inc.’s motion for summary judgment. (ECF No. 26). In response, defendant State of Nevada, ex rel. its Department of Taxation, filed a notice of limited non-opposition to plaintiff’s motion. (ECF No. 28).

This case arises from an interpleader action pursuant to NRS 40.462(2) in the Eighth Judicial District Court, for Clark County, Nevada. (ECF No. 1). On July 1, 2019, defendant United States of America (“IRS”), removed this action to this court under original jurisdiction. (*Id.*). Subsequently, defaults were entered as to the borrowers, (ECF No. 23), and the remaining defendants entered a stipulation as to priority, (ECF Nos. 24 & 25), providing that the IRS is entitled to the surplus funds.

On February 5, 2020, the parties filed a stipulation with a proposed judgment regarding attorney’s fees and distribution—the subject matter of the instant motion. (ECF No. 29). The court granted it on February 7, 2020. (ECF No. 30). Plaintiff notes that it intended to withdraw the instant motion for summary judgment. (*Id.*).

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IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiff Western Progressive's motion for summary judgment (ECF No. 26) be, and the same hereby is, DENIED as moot.

IT IS FURTHER ORDERED that parties file a status report within seven (7) days of this order to detail further action, if any, required by this court before closing this case.

DATED June 12, 2020.

James C. Mahan
UNITED STATES DISTRICT JUDGE